

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

COMMODITY FUTURES TRADING
COMMISSION, *et al.*,

Plaintiffs,

v.

TMTE, INC. a/k/a METALS.COM, *et al.*,

Defendants;

and

TOWER EQUITY, LLC,

Relief Defendant.

**MOTION FOR ENTRY OF
STIPULATED CONFIDENTIALITY
AND PROTECTIVE ORDER**

Case No.: **3:20-CV-2910-X**

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, Plaintiffs Commodity Futures Trading Commission, Alabama Securities Commission, State of Alaska, Arizona Corporation Commission, California Commissioner of Business Oversight, Colorado Securities Commissioner, State of Delaware, Office of the Georgia Secretary of State, State of Hawaii, Securities Enforcement Branch, Idaho Department of Finance, Indiana Securities Commissioner, Iowa Insurance Division, Office of the Kansas Securities Commissioner, Kentucky Department of Financial Institutions, Maine Securities Administrator, State of Maryland Ex Rel the Maryland Securities Commissioner, Attorney General Dana Nessel on Behalf of the People of Michigan, Mississippi Secretary of State, Nebraska Department of Banking & Finance, Office of the Nevada Secretary of State, New Mexico Securities Division, The People of the State of New York by Letitia James, Attorney General of the State of New York, Oklahoma Department of Securities, State of South Carolina, by and through Alan Wilson, South Carolina Attorney General, and Mark

Hammond, South Carolina Secretary of State, South Dakota Department of Labor & Regulation, Division of Insurance, Commissioner of the Tennessee Department of Commerce and Insurance, State of Texas, Washington State Department of Financial Institutions, West Virginia Securities Commission, and State of Wisconsin,¹ and Defendants TMTE, Inc., d/b/a Metals.com, Chase Metals, LLC, Chase Metals, Inc., Access Unlimited, LLC, Barrick Capital, Inc., Lucas Thomas Erb a/k/a Lucas Asher a/k/a Luke Asher, and Simon Batashvili (collectively, “the Parties”), hereby move this Court to enter a protective order. The Parties anticipate that discovery in this matter is likely to involve the disclosure of confidential or sensitive commercial, personal, financial, and/or business information and desire to enter into an agreement pursuant to Fed. R. Civ. P. 26(c) to protect such information. The undersigned Parties have prepared a proposed Stipulated Confidentiality and Protective Order that accompanies this motion and respectfully request that this Court enter the order.

Dated: July 1, 2022

Respectfully submitted,

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¹ Plaintiffs State of Florida, Office of the Attorney General and State of Florida, Office of Financial Regulation do not join this motion.

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CERTIFICATE OF SERVICE

On July 1, 2022, I electronically filed the foregoing **MOTION FOR ENTRY OF STIPULATED CONFIDENTIALITY AND PROTECTIVE ORDER** in the above captioned matter using the CM/ECF system and I am relying upon the transmission of the Clerk's Notice of Electronic Filing for service upon all parties in this.

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